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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,494	12/17/2001	William Milam	MILAM-002	4077

7590 12/17/2004

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EXAMINER	
YODER III, CHRISS S	
ART UNIT	**PAPER NUMBER**
2612	

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/023,494	MILAM, WILLIAM	
	Examiner	Art Unit	
	Chriss S. Yoder, III	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 December 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 1 is objected to because of the following informalities:

Claim 1 recites the limitation "mating the attachment end of the camera adapter coupling to *the an* existing mating receptacle on an optical assemblage" in lines 11-12.

The examiner believes that this should read, " mating the attachment end of the camera adapter coupling to *an* existing mating receptacle on an optical assemblage ", and will be examined as understood by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-2 and 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee (US Patent # 6,147,797).

2. In regard to claim 1, note Lee discloses the use of affixing a replacement camera comprising a lens mount to a camera adapter coupling (figure 6: the camera 210 has a lens mount 214 where the adapter 220-240 is attached to the camera) wherein the

camera adapter coupling comprises an attachment end and a lens emulating end opposing the upgrade end (figure 6: the adapter has a lens emulating end 220-266; the adapter connects to the camera using the lens mount 224 that connects to mount 214 and has a lens 266; this lens emulating end connects to the camera in order to emulate the camera lens; and is opposite the upgrade end 284-295) and wherein the camera is affixed to the camera adapter coupling by mating the lens emulating end with the lens mount (figure 6: 214 is attached to 224) and mating the attachment end of the camera adapter coupling to an existing mating receptacle on an optical assemblage (column 7, lines 17-19).

3. In regard to claim 2, note Lee discloses that the camera is a digital camera (column 5, line 40; 210 is a digital camera).

4. In regard to claim 13, note Lee discloses the use of a replacement coupling receptacle that mounts on an optical assemblage and accepts a camera adapter coupling (column 7, lines 17-19; and figure 6: 220-295, the adapter couples to the microscope) and camera adapter coupling comprising a first end that mates with the replacement coupling receptacle (column 7, lines 17-19; the first end mates to the microscope) and a second end being a lens-emulating end (column 5, line 66 - column 6, line 1; and figure 6: the adapter has a lens emulating end 220-266; the adapter connects to the camera using the lens mount 224 that connects to mount 214 and has a lens 266; this lens emulating end connects to the camera in order to emulate the camera lens).

5. In regard to claim 14, note Lee discloses the use of a camera (column 5, line 40).

6. In regard to claim 15, note Lee discloses that the camera is a digital camera (column 5, line 40; 210 is a digital camera).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 3-6 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US Patent # 6,147,797) in view of Steinberg et al. (US Patent # 6,628,325).

8. In regard to claim 3, note Lee discloses a computer that receives a digital image from the digital camera by way of a digital interface (column 4, lines 17-19; and figure 2: 90 and 110). Therefore, it can be seen that the Lee device fails to store the digital image on computer readable media. Steinberg discloses the use of an external device to store the image on a computer readable medium (column 2, lines 5-10). Steinberg teaches that the storage of the image on a computer readable medium is preferred in order to store the image data along with other image information (column 2, lines 5-10). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Lee device to include the storage of the image on a computer readable medium in order to store the image together with other image information.

9. In regard to claim 4, note Steinberg discloses receiving parametric data associated with the digital image and storing the parametric data on computer readable media together with a reference to the digital image (column 2, lines 5-10 and column 8, lines 42-48; the information stored with the image is related to the image and is considered to be parametric).

10. In regard to claim 5, note Steinberg discloses receiving date and/or time data associated with the digital image and storing the date and/or time data on computer readable media together with a reference to the digital image (column 2, lines 5-10 and column 8, lines 42-48; the information stored with the image includes the date and/or time).

11. In regard to claim 6, note Steinberg discloses receiving position information and storing the position information on computer readable media together with a reference to the digital image (column 2, lines 5-10 and column 8, lines 42-48; the information stored with the image includes the location). Therefore, it can be seen that the primary reference of Lee in view of Steinberg lacks the use of satellite-based or terrestrial positioning system to receive position information. Official notice is taken that the concepts and advantages of satellite-based or terrestrial positioning system to receive position information are notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary reference of Lee in view of Steinberg to include the use of satellite-based or terrestrial positioning system to receive position information in order to obtain the location information anywhere in the world.

12. In regard to claim 16, note Lee discloses the use of a computing device that connects to the digital camera using a digital interface (column 4, lines 17-19; and figure 2: 90 and 110). Therefore, it can be seen that the Lee device lacks the use of a computing device with a computer readable media for storing the images and a software program that executes in the computing device and controls the digital interface to acquire digital images from the digital camera and store said images on the computer readable media. Steinberg discloses the use of a computing device with a computer readable media for storing the images (column 2, lines 5-10) and a software program that executes in the computing device and controls the digital interface to acquire digital images from the digital camera and store said images on the computer readable media (although not stated, in order for the computer to function, there has to be a software program to control the functions). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Lee device to include the use a computing device with a computer readable media for storing the images and a software program that executes in the computing device and controls the digital interface to acquire digital images from the digital camera and store said images on the computer readable media in order to store the image together with other image information.

13. In regard to claim 17, note Steinberg discloses a parametric data module that accepts parametric data from a user and stores the parametric data on the computer readable media together with a reference to the digital images (column 2, lines 5-10 and column 8, lines 42-48; the information stored with the image is related to the image and is considered to be parametric).

14. In regard to claim 18, note Steinberg discloses comprises a date/time data module that accepts date and/or time data from a time source and stores the date and/or time data on the computer readable media together with a reference to the digital images (column 2, lines 5-10 and column 8, lines 42-48; the information stored with the image includes the date and/or time).

15. In regard to claim 19, note Steinberg discloses receiving position information and storing the position information on computer readable media together with a reference to the digital image (column 2, lines 5-10 and column 8, lines 42-48; the information stored with the image includes the location). Therefore, it can be seen that the primary reference of Lee in view of Steinberg lacks the use of satellite-based or terrestrial positioning system to receive position information. Official notice is taken that the concepts and advantages of satellite-based or terrestrial positioning system to receive position information are notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary reference of Lee in view of Steinberg to include the use of satellite-based or terrestrial positioning system to receive position information in order to obtain the location information anywhere in the world.

16. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US Patent # 6,147,797).

17. In regard to claim 7, note Lee discloses the attaching of an upgrade receptacle to the optical assemblage (column 7, lines 17-19; the adapter is attached to the microscope), affixing a replacement camera comprising a lens mount to a camera

adapter coupling (figure 6: the camera 210 has a lens mount 214 where the adapter 220-240 is attached to the camera) wherein the camera adapter coupling comprises an attachment end and a lens emulating end opposing the upgrade end (figure 6: the adapter has a lens emulating end 220-266; the adapter connects to the camera using the lens mount 224 that connects to mount 214 and has a lens 266; this lens emulating end connects to the camera in order to emulate the camera lens; and is opposite the upgrade end 284-295) and wherein the camera is affixed to the camera adapter coupling by mating the lens emulating end with the lens mount (figure 6: 214 is attached to 224), and mating the attachment end of the camera adapter coupling to the an existing mating receptacle on an optical assemblage (column 7, lines 17-19).

Therefore, it can be seen that the Lee device fails to disclose the removal of an original camera attachment means from the imaging instrument. Although not explicitly stated, it would have been obvious that the removal of the original camera attachment means from the optical assemblage is necessary in order for the upgrade to be attached to the assemblage (as stated by Lee in column 1, lines 15-63 and column 2, lines 20-23; the camera adapter can be attached/detached). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Lee device to include the removal of the original camera attachment means from the optical assemblage of an imaging instrument in order to allow the upgrade of the attachment means for a new camera.

18. In regard to claim 8, note Lee discloses that the camera is a digital camera (column 5, line 40; 210 is a digital camera).

19. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US Patent # 6,147,797) in view of Steinberg et al. (US Patent # 6,628,325).

20. In regard to claim 9, note Lee discloses a computer that receives a digital image from the digital camera by way of a digital interface (column 4, lines 17-19; and figure 2: 90 and 110). Therefore, it can be seen that the Lee device fails to store the digital image on computer readable media. Steinberg discloses the use of an external device to store the image on a computer readable medium (column 2, lines 5-10). Steinberg teaches that the storage of the image on a computer readable medium is preferred in order to store the image data along with other image information (column 2, lines 5-10). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Lee device to include the storage of the image on a computer readable medium in order to store the image together with other image information.

21. In regard to claim 10, note Steinberg discloses receiving parametric data associated with the digital image and storing the parametric data on computer readable media together with a reference to the digital image (column 2, lines 5-10 and column 8, lines 42-48; the information stored with the image is related to the image and is considered to be parametric).

22. In regard to claim 11, note Steinberg discloses receiving date and/or time data associated with the digital image and storing the date and/or time data on computer readable media together with a reference to the digital image (column 2, lines 5-10 and column 8, lines 42-48; the information stored with the image includes the date and/or time).

23. In regard to claim 12, note Steinberg discloses receiving position information and storing the position information on computer readable media together with a reference to the digital image (column 2, lines 5-10 and column 8, lines 42-48; the information stored with the image includes the location). Therefore, it can be seen that the primary reference of Lee in view of Steinberg lacks the use of satellite-based or terrestrial positioning system to receive position information. Official notice is taken that the concepts and advantages of satellite-based or terrestrial positioning system to receive position information are notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary reference of Lee in view of Steinberg to include the use of satellite-based or terrestrial positioning system to receive position information in order to obtain the location information anywhere in the world.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US006437797B1: note the use of storing the location of where an image was taken by an image capturing device.

US2001/0048549A1: note the use of an adapter device that connects a camera to an optical assemblage.

US005894322A: note the use of a computer that stores patient information received from several pieces of equipment as well as user input.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chriss S. Yoder, III whose telephone number is (703) 305-0344. The examiner can normally be reached on M-F: 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CSY
November 30, 2004

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